

# EXHIBIT E

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September 12, 2005

**By Facsimile (617.247.4125) and First Class Mail**

Kenneth M. Bello, Esq.  
Bello Black & Welsh LLP  
535 Boylston Street  
Suite 1102  
Boston, MA 02116

**Re: Babcock Borsig Power GmbH v. Babcock Power, Inc.**  
**Civil Action No. 04-10825 RWZ**

Ken:

I am in receipt of your second letter dated, Friday, September 9, 2005 which was faxed after 7:00 p.m. I reiterate that Mr. Hevrony will not be available for his deposition on September 23. He needs to be outside of this country attending to a personal matter involving the health of his parents that cannot be changed. I reiterate my offer to make him available on September 19 if you insist. Otherwise, he can be back and available on September 26<sup>th</sup>, 27<sup>th</sup> or 28<sup>th</sup>.

If Dr. Kraenzlin is still planning on traveling to the U.S., so he can attend the deposition of Mr. Hevrony, then we can accommodate his schedule and take his deposition during the week of September 26 here in the U.S. There is no reason why you should expect us to travel to Germany again to take Dr. Kraenzlin's deposition when he has insisted that the deposition of Mr. Hevrony be scheduled at a time when it is convenient for Dr. Kraenzlin to travel to the U.S.

If you do not insist that we proceed with Mr. Hevrony's deposition on the 19th, we can have our 30(b)(6) designee, James Brantl, available that day for the deposition sought in your 30(b)(6) deposition notice.

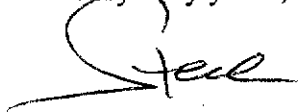
I am also coordinating with Messrs. Brandano and Woods as to dates they are available for their depositions.

Finally, I reiterate that we are prepared to produce the documents responsive to your request this week at our offices on Thursday, September 15. If you are not planning to produce documents to

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us this week pursuant to our request for production of documents, please let us know now so that we can incorporate appropriate comments about that in our filings with the Court. We believe our offer to produce documents on September 15 moots your motion to compel, but if you still wish to bring this matter to the Court's attention, it makes sense to address everything at once so the Court does not have to needlessly deal with these discovery matters in a piecemeal fashion.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Comen", with a stylized flourish extending from the end.

Steven J. Comen